DOCUMENT RESUME

ED 227 569 EA 015 492

TITLE	Local Control: Use It or Lose It.
INSTITUTION	California School Boards Association, Sacramento.
PUB DATE	May 82
NOTE	19p.; Waiver and Coordination Task Force Report.
AVAILABLE FROM	California School Boards Association, 916 23rd Street, Sacramento, CA 95816 ($4.00).
PUB TYPE	Legal/Legislative/Regulatory Materials (090) -- Reports - Descriptive (141)
EDRS PRICE	MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS	Boards of Education; Categorical Aid; Citizen Participation; Citizens Councils; *Cooperative Programs; *Coordination; Elementary Secondary Education; Resource Allocation; *School District Autonomy; State Aid; *State Legislation; *State Programs
IDENTIFIERS	California; California Education Code

ABSTRACT

Two California laws have increased the autonomy of local school districts. As of January 1982, virtually all provisions of the California Education Code can be waived at the request of local school boards with the approval of the state board of education. Under Article 2 of Assembly Bill 777, Chapter 100, programs that may be waived include state testing requirements, immunization programs, class size, bilingual education, and mandatory attendance age. The local governing board can apply for a waiver on behalf of a single school site, multiple sites, or on a districtwide basis. School boards requesting a waiver must provide an opportunity for community input, including the participation of parents, teachers, staff, administrators, and students. The second law, Article 3 of Chapter 100, allows schools to coordinate state-funded programs, which means that staff supported from a certain funding source may serve more pupils than those identified for that particular program. The governing board must decide which schools may consider a coordinated program and which funds it will allow to be coordinated. Under Article 3, programs must be recommended for coordination by a school site council. The intent of this article is smoother administration of programs and attention for every student rather than for selected students. (JM)

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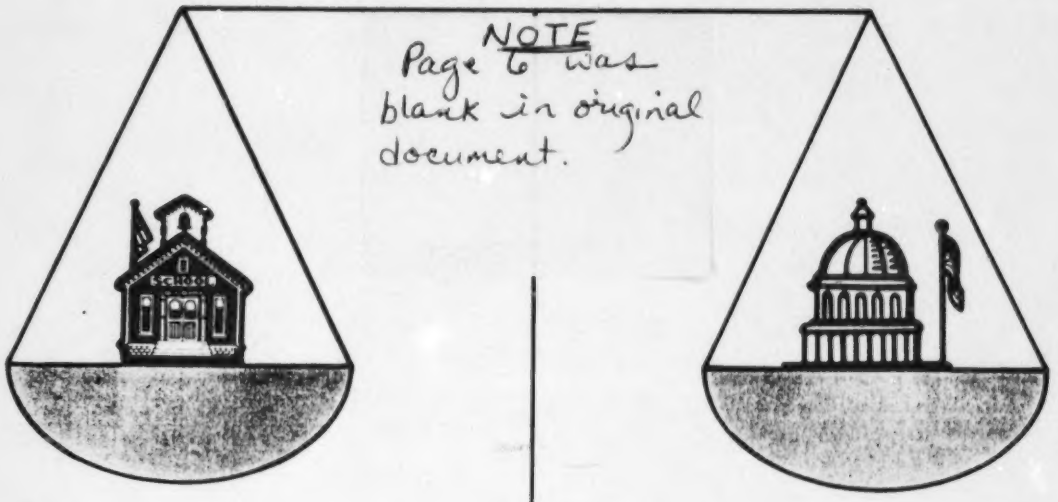

Use It Or Lose It

Waiver and Coordination Task Force Report

California School Boards Association • May 1982 CSBA

EA 015 492

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Foreword

New authority for administrative flexibility and local control has been granted to local governing boards by the enactment of AB 777, Chapter 100 of 1981. Broad waiver authority and provisions allowing the coordination of up to eleven specified categorical programs will allow governing boards to operate schools and school districts in a manner reflective of local community needs.

The CSBA Waiver and Coordination Task Force proudly presents the following statement as a challenge to local governing boards to use the waiver and coordination provisions of AB 777 as a means of expressing community desires.

Mary Anne Houx

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Waiver Coordination Task Force Statement
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Article 2

As of January 1, 1982, virtually all provisions of the Education Code of the State of California can be waived at the request of local governing boards with the approval of the State Board of Education.

Article 2 of AB 777, Chapter 100 of 1981, truly is a breath of fresh air. The intent of the Legislature is to focus the authority to exercise fiscal and programmatic flexibility at the local level. Those closest to the problems are the ones who can best solve them.

The waiver and coordination features of sections of AB 777 are to be used to improve the quality of classroom instruction and allow for more effective fiscal management, and need not be feared by boards, administrators, staff or parents.

The State Legislature has recognized that local board trustees must have the authority to serve the needs of the students in their districts. For the first time, the State Board of Education carries the burden of proof as to why a waiver request or coordination plan developed at the local level should be denied.

Almost the entire State Education Code may be waived beginning January 1, 1982. Under AB 777, state testing requirements, immunization programs, class size, the priority offering process for the sale, lease or exchange of property, bilingual education, mandatory attendance age, square footage constraints, inter district attendance appeals process, bidding for contracts, etc., may be waived at the request of local boards.

The local governing board can apply for a waiver on behalf of a single school site, multiple sites or on a district wide basis. The waiver can be personalized to meet the needs of one school or the broader needs of the entire district. In the case where an application applies only to a specific site or sites, the approved waiver may not automatically apply to any other school site.

There is no limit to the number of Education Code provisions which can be waived. We have won the ability to exercise local control!

Local school boards interested in exploring waivers as a means of achieving local educational goals should, through the superintendent:

1. Work with the management team to identify sections of the Education Code that:
   a. weaken the educational thrust towards accomplishing district goals or,
   b. add costs that detract from the best use of personnel and funds to meet educational goals.
2. Implement an appropriate public process for community input, including the participation of parents, teachers, staff, administrators and students.

Local boards have the ultimate responsibility and authority to seek waivers by submitting requests to the State Board of Education. If a local governing board decides to request a waiver, a *simple* form from the Department of Education must be completed for submission to the State Board of Education with a short explanation of why the waiver is being sought.

From the date of receipt by the State Department of Education, the State Board has up to two meetings to act upon the request.

Local board waiver requests of Education Code sections will be granted based on the district's ongoing ability to adequately address the educational needs of their students and provided that the approval of the waiver would not substantially increase state costs. If the State Board grants the waiver it shall be for a period up to two years. If the State Board denies the request, written justification must be provided to the local board. If the request is denied, the State Board must make a specific finding as to the reason for the denial. If the State Board fails to act by the second regular meeting date from receipt of the waiver request, the waiver *shall* be deemed approved for a one year period.

All indications at this time are that the Department is open to the new waiver provisions and is gearing up to respond to requests. Many board members and administrators have expressed their interest in the waiver process. They should not feel discouraged to proceed because of past negative experiences with the cumbersome procedures and regulations of the State Department of Education and the State Board of Education.

Once the forms are submitted to the State Board of Education they will be sent to the State Department of Education, Office of Policy Analysis and Special Projects. The Department unit responsible for the Education Code sections to be affected will comment on the waiver requests. The final decision about State Department recommendations will be made by the appropriate Deputy Superintendent of Public Instruction. Because the conditions for denial are limited, virtually all waiver requests should receive recommendations for approval, because the expressed intent of the Legislature is to place the major responsibility for the governance of educational programs at the local level. Any recommendations to the State Board for denial will be accompanied by an explanation directly related to provisions enumerated in AB 777 (Explanation in subsequent sections of this publication and in AB 777, Attachment A).

AB 777 reflects the Legislature's attempt to be responsive to the frustration educators feel with Education Code restrictions and mandates which have blocked local governing boards from making policy decisions reflecting community interests and priorities. It is incumbent upon local boards to use the waiver provisions wisely and well, and to demonstrate educational leadership.

Local board members, administrators, teachers, staff, and parents should be encouraged by the fact that the overwhelming majority of waiver requests under SIP, Miller Unruh, Bilingual, Special Education, etc., have been approved with little fanfare in the past.

The Task Force recommends that if a waiver request goes to the State Board with a disapprove or without an approval recommendation from the State Department of Education, that the local governing board be prepared to advocate the district and community position to the State Board.

The State Board has been granted new authority by the Legislature in AB 777 and local board members must become effective lobbyists concerning the decisions made in the waiver process. Also, boards should contact local legislators about their waiver request as the Legislature is interested in the State Board's ability to adequately meet the needs of local districts with the new waiver authority.

The only reasons submitted requests may be denied are specified in the law, and the State Board can only deny the request if it specifically finds the waiver does not meet the following provisions as listed in AB 777 (See attachment A):

1. The educational needs of the pupils are not adequately addressed.

2. The waiver affects a program which requires the existence of a school site council and the council did not approve the request.

3. The appropriate advisory committee did not have an adequate opportunity to review the request. Further, for a request to waive any provisions of Article 3 (commencing with Section 52160) of Chapter 7, the request did not include a written summary of objections, if any, to the request made by the bilingual advisory committee required pursuant to Section 52176.

4. Pupil and teacher protection is jeopardized.

5. Guarantees of parental involvement are jeopardized.

6. The request would *substantially* increase state costs.

7. The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Local boards seeking waivers under Article 2 of Chapter 100 should establish procedures to meet the requirements of Section 52820 (see Attachment A). Generally boards should plan for the participation of any required site council or advisory committee, any exclusive representative employees group and any other affected group including students if appropriate. It should be noted again that the governing board holds the ultimate authority for proceeding with any request and that the sign-off required of the Superintendent does not require *agreement* amongst all parties, but *does* require *notice* and *participation*.

Local districts should assume that any section of the Education Code may be waived unless it is specifically covered under Article 3 or involves basic student and teacher protections or would substantially increase state cost. Those programs which *cannot be waived under Article 2* because they are covered by Article 3, include School Improvement Program, Economic Impact Aid-State Compensatory Education, Miller-Unruh, Gifted and Talented, School Site Special Education, Conservation Education, School Staff Development Programs, Educational Technology (Instructional Television), Career Guidance Centers, New Careers, and Cadet Corps. (It should be noted that any existing waiver provisions in these programs continue to be in effect, for example, the School Improvement sections give very broad waiver authority.) These eleven categorical programs may be coordinated under Article 3, and once coordinated, the prescriptive nature of the program "falls away."

Local boards now have the power to make significant program changes. No longer will boards be able to say that the law stands in the way of change. Communities which can come to consensus about given programs will nearly always be given the opportunity to operate as they choose, unless, in the eyes of the State Board of Education, some very basic student, parent, or employee rights would be violated. An approved waiver may affect a single school site, multiple sites or an entire district. The approved waiver at one school or in one district will have no affect upon the waiver request or program in another school or district.

It is imperative that each school board become well informed on the possibilities contained in Article 2 and that preparation for waiver requests be commenced immediately.

Article 3

Article 3 of Chapter 100 addresses the coordination of school based programs. The Legislature in enacting this Chapter struck a compromise between those who want strong categorically funded programs and those who want block grant funds. Article 3 sustains the concept of categorical programs while enhancing the local control and flexibility for which individual school districts have fought. Article 3 allows the governing board to coordinate two or more categorical programs and to make funding decisions based on a local school site perspective and not on a state prescription. The provision of Article 3 covers 11 programs including School Improvement, Economic Impact Aid-State Compensatory Education, Miller-Unruh reading, Gifted and Talented, School Site Special Education, Conservation Education, School Staff Development, Educational Technology (Instructional Television), Career Guidance Centers, New Careers, and Cadet Corps.

The intent of Article 3 of AB 777 is to coordinate the use of a number of categorical funds and categorically funded personnel at a single school site. Most categorical programs create strict pupil eligibility criteria and establish requirements to prohibit use of categorical funds for non-eligible pupils, Article 3 can be used to break down these artificial barriers within a school. Under Article 3, staff resources can be matched to student needs without having to prove that staff supported from a certain funding source served only those pupils identified for the particular program. This flexibility can do much to reduce district staff and teacher paperwork and to allow less disruptive means of helping children that need assistance.

In order to allow such flexibility at the school site, a governing board must publicly acknowledge a desire to consider coordinated program administration, and notify the principal of each selected school of their intention to initiate discussions at the given site. The goal is to use both educational personnel and educational dollars in more effective ways in order to improve instruction as delivered to all students at a school site. The coordinated school plan can potentially remove restrictive guidelines, particularly to individual categorical funds, and encourage the flexibility needed at the local level at a time of declining resources.

A governing board must decide which schools may consider a coordinated program and which funds it will allow to be coordinated. A governing board may decide that a coordinated program would be desirable at one site, at multiple sites, or at all schools in the district.

Prior to submission of a plan under Article 3, a school site council must first determine whether or not it chooses to participate. If no school site council exists one must be created in compliance with the provisions of AB 777. If the site council chooses not to participate, a governing board may not proceed. If interested, the site council may then develop a coordinated school site plan. Such plan must then be approved by the governing board and forwarded to the State Board of Education for final action as part of the consolidated application process.

The coordination chapter does *not* change 2 provisions now existing in some categorical programs:

1. For purposes of funding, students will still be identified according to existing categorical program guidelines.
2. School boards remain responsible and accountable to assure that the needs of

all children are met.

School boards may be interested in coordinating the following kinds of schools and school plans:

1. A current SIP (School Improvement Plan) school that is funded under the ECE (Early Childhood Education) model at grades K-3 may wish to expand the SIP model to the entire school.
2. A current SIP school that is fully funded that wishes to fold in other programs operating at the school (e.g. Special Education, Gifted and Talented, Miller-Unruh, etc.).
3. A current Compensatory Education School funded at or above 75% of the student population, or a current Compensatory Education school funded below 75% which can bring its funding up to the 75% level. (Example follows.)

   If Economic Impact Aid dollars are to be included in the coordinated program to allow all students in a school to benefit, at least 75% of the students at the site level must be identified participants for EIA-LEP and EIA-SCE (Economic Impact Aid Limited English Proficient and EIA State Compensatory Education) funds. If less than 75% of the students at the site are identified participants for EIA-LEP and EIA-SCE dollars then the district must bring the supplemental funding level of the school up to the dollar amount it would receive with 75% of its population identified before all students at the school can benefit from the coordinated approach. The district may do so by allocating other categorical money or general fund monies for which the school may receive funds. (If a school of 200 students has 50% of its students identified as EIA-LEP and EIA-SCE participants and the funding level is $100 per pupil, [$10,000] then a district in order to reach the 75% required level would have to allocate an additional $5,000 for the entire student body to be eligible to receive services from the $10,000 EIA-LEP and EIA-SCE funds.)
4. A school that does not have SIP or Compensatory Education programs but has other categorical programs in the school. The Board may wish to develop a school site council to consider more effective use of categorical funds and personnel at the school.

The most attractive feature of this article is that the creativity and initiative of school site leadership can result in smoother administration of programs and attention for every student rather than selected students in a classroom or in the total school. School boards should be encouraged to consider coordination plans as a means of allowing maximum use of human and financial resources. Because many resource services and program specific aides are funded with categorical dollars, a coordinated approach at the school site might allow all personnel to address the unique needs of all the children in the school.

Attachment A

AB 777 Chapter 100 of 1981

CHAPTER 12. SCHOOL-BASED PROGRAM COORDINATION ACT

Article 1. General Provisions

52800. It is the intent of the Legislature to provide greater flexibility for schools and school districts to better coordinate the categorical funds they receive while ensuring that schools continue to receive categorical funds to meet their needs.

It is further the intent of the Legislature to focus the authority to exercise such flexibility at the school level, with the approval and under the policy direction of, the governing board.

Article 2. Waiver Authority

52820. (a) A governing board may, on a districtwide basis or on behalf of one or more of its schools, request the State Board of Education to *waive all or part of any section of this code*, except

(1) The provisions of Article 3.

(2) The identification and assessment criteria relating to any categorical aid program.

(3) The provisions specified pursuant to Section 52033.

(4) That any waiver of provisions related to the programs identified in Section 52851 shall be granted only pursuant to the provisions of Article 3.

(b) The State Board of Education shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following:

(1) The educational needs of the pupils are not adequately addressed.

(2) The waiver affects a program which requires the existence of a school site council and the school site council did not approve the request.

(3) The appropriate advisory committee did not have an adequate opportunity to review the request.

Further, for a request to waive any provision of Article 3 (commencing with Section 52160) of Chapter 7, the request did not include a written summary of objections, if any, to the request made by the bilingual advisory committee required pursuant to Section 52176.

(4) Pupil and teacher protection is jeopardized.

(5) Guarantees of parental involvement are jeopardized.

(6) The request would substantially increase state costs.

(7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

(c) A waiver shall be approved or renewed by the State Board for the period of time requested by the governing board of a district, but not to exceed two years.

52821. If formal action by the State Board of Education on a waiver request is not taken later than the second regular meeting of the board following receipt of a complete and documented waiver request by the department, the waiver shall be deemed approved for one year, commencing the first day of the following month.

52822. The department shall annually submit a report to the Governor, Legislature, State Board of Education, and make the report available to the superintendent and board president of each school district and county office of education. This report shall include a description of the number and types of waiver requests of the board, the actions of the board on those requests, and sources of further information on existing or possible waivers.

Article 3. School Plans

52850. The provisions of this article shall apply only to school districts and schools which participate in school-based coodinated categorical programs pursuant to this article. No school may operate pursuant to this article unless a school plan has been approved for the school.

52851. A school district and school may apply to receive funds allocated pursuant to Article 4 (commencing with Section 8750) of Chapter 4 of Part 6, Article 5 (commencing with Section 44520) of Chapter 3 and Article 1 (commencing with Section 44670) of Chapter 3.1 of Part 25, Article 15 (commencing with Section 51870) of Chapter 5, Chapter 6 (commencing with Section 52000), Chapter 8 (commencing with Section 52200), and Article 2 (commencing with Section 52340) of Chapter 9 of this part, Chapter 1 (commencing with Section 54000) and Chapter 2 (commencing with Section 54100) of Part 29, and Chapter 7 (commencing with Section 56700) of Part 30, and Chapter 1 (commencing with Section 500) of Part 2 of Division 2 of the Military and Veterans Code, without complying with the provisions of those chapters or the related California Administrative Code regulations, provided that the school and school district meet the criteria established in this article.

52852. A school site council shall be established at each school which participates in school-based programs coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.

At the elementary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) parents or other community members selected by parents.

At the secondary level the council shall be constituted to ensure parity between (a) the principal, classroom teachers and other school personnel; and (b) equal numbers of parents and pupils.

At both the elementary and secondary levels, classroom teachers shall comprise the majority of persons represented under category (a).

Existing schoolwide advisory groups or school support groups may be utilized as the school site council if such groups conform to the provisions of this section.

The Superintendent of Public Instruction shall provide several examples of selection and replacement procedures which may be considered by school site councils.

52852.5. The governing board of each school district shall:

(a) Ensure that the principal of every school receives information covering the provisions of this article, and provides such information to teachers, other school personnel, parents, and, in secondary schools, pupils.

(b) Adopt policies to ensure that, prior to scheduled implementation, a school site council as described in Section 52852 is established at each school site to

consider whether or not it wishes the local school to participate in the school-based coordination program. The board shall ensure that all interested persons, including, but not limited to, the principal, teachers, other school personnel, parents, and, in secondary schools, pupils, have an opportunity to meet in public to establish such council.

52853. The school site council shall develop a school plan which shall include:

(a) Curricula, instructional strategies and materials responsive to the individual needs and learning styles of each pupil.

(b) Instructional and auxiliary services to meet the special needs of non-English-speaking or limited-English-speaking pupils, including instruction in a language these pupils understand; educationally disadvantaged pupils; gifted and talented pupils; and pupils with exceptional needs.

(c) A staff development program for teachers, other school personnel, paraprofessionals, and volunteers.

(d) Ongoing evaluation of the educational program of the school.

(e) Other activities and objectives as established by the council.

(f) The proposed expenditures of funds available to the school through the programs described in Section 52851.

The school site council shall annually review the school plan, establish a new budget, and if necessary, make other modifications in the plan to reflect changing needs and priorities.

52854. A school site council may request, as part of its school plan, the provision of time during the regular school year to advise students or conduct staff development programs and receive full average daily attendance reimbursement under the provisions of Section 56300. That time shall not exceed eight days each year for each participating staff member.

52855. The school district governing board shall review and approve or disapprove school plans. A school plan shall not be approved unless it was developed and recommended by the school site council. If a plan is not approved by the governing board, specific reasons for that action shall be communicated to the council. Modifications to any school plan shall be developed, recommended and approved or disapproved in the same manner.

52856. If the school district and school choose to include within the provisions of this article funds allocated pursuant to Chapter 6 (commencing with Section 52000), the school district and school shall still be eligible to compete for any expansion funding that is made available for the school improvement program for grades in that school which are not already generating funds.

52857. If the school district and school choose to include within the provisions of this article funds allocated pursuant to Chapter 8 (commencing with Section 52200) of Part 28, the district shall continue to maintain a district advisory committee.

The district governing board shall determine the portion of the district's grant pursuant to Chapter 8 (commencing with Section 52200) of Part 28 which shall be allocated to the school for inclusion in the school budget developed pursuant to subdivision (f) of Section 52853.

52858. If the school district and school choose to include within the provisions of this article, funds allocated pursuant to Chapter 1 (commencing with Section 54000) of Part 29, the school district shall: (a) if the number of educationally disadvantaged pupils in the school is less than 75 percent of the school's enrollment, ensure that there is state and local funding in the school available for

allocation pursuant to subdivision (f) of Section 52853 which is equal to or greater than the per pupil amount allocated to that school per disadvantaged pupil through the economic impact aid program multiplied times 75 percent of the school's enrollment, (b) continue to maintain any school or district advisory committees required pursuant to Chapter 1, (c) continue to distribute funds to schools in accordance with Sections 54004.3, 54004.5, and 54004.7 and regulations adopted which pertain to those sections, and (d) continue to maintain any school or district advisory committee on bilingual education required pursuant to Section 52176.

52858.5. If the school district and school site council choose to include funds allocated pursuant to Chapter 1 (commencing with Section 54000) of Part 29, the school site council shall consult with any school level bilingual advisory committee required by law prior to submitting a school plan pursuant to this article.

If the bilingual advisory committee objects to the plan, written copies of the committee's objections shall be attached to the plan when it is transmitted to the local governing board and the State Board of Education.

However, the school site council and the school district shall make the final determination as to the content of the school plan and the content of any waiver request.

52859. If a school district and school choose to include within the provisions of this article funds allocated pursuant to Chapter 2 (commencing with Section 54100) of Part 29, the school district and school shall annually receive funding at the rate per specialist allocated statewide multiplied times the number of specialists approved for that school at the time it was approved to operate programs pursuant to this article, and shall use these funds to employ a reading specialist who meets the criteria established pursuant to Chapter 2 (commencing with Section 54100) of Part 29.

52860. If a school district and school choose to include within the provisions of this article funds allocated pursuant to Chapter 7 (commencing with Section 56700) of Part 30, the school district shall comply with all requirements of that part, except that: (1) resource specialist program services and designated instruction and services may be provided to pupils who have not been identified as individuals with exceptional needs; (2) programs for individuals with exceptional needs shall be under the direction of special education personnel, but services may be provided entirely by personnel not funded by special education moneys, provided that all services specified in the individualized education program are received by the pupil.

52861. If a school district and school choose to include within the provisions of this article funds allocated pursuant to Article 4 (commencing with Section 8750) of Chapter 4 of Part 6, Article 5 (commencing with Section 44520) of Chapter 3 of Part 25, Article 15 (commencing with Section 51870) of Chapter 5 and Article 2 (commencing with Section 52340) of Chapter 9 of this part, and Chapter 1 (commencing with Section 500) of Part 2 of Division 2 of the Military and Veterans Code, the district shall determine the portion of the district's grants, pursuant to those provisions, which shall be allocated to the school for inclusion in the school budget developed pursuant to subdivision (f) of Section 52853.

52862. School districts and schools that choose to operate programs pursuant to Article 3 (commencing with Section 52850) shall insure compliance with all requirements of federal law.

Article 4. Advisory Committees

52870. Notwithstanding any other provisions of this chapter, a school district and school participating in school based program coordination may consolidate advisory committees as follows:

(a) Any school site advisory committee may elect to designate the school site council to function as that advisory committee for all purposes required by law or regulations for a period of up to two years.

This subdivision shall not apply to any advisory committee required pursuant to federal statute or regulation.

(b) Any district advisory committee may elect to designate a district programs advisory committee to function as that advisory committee for all purposes required by statute or regulations for a period of up to two years. The district programs advisory committee shall consist of representatives of school site councils elected by the school site councils.

Article 5. State Administration

52885. The State Board of Education shall:

(a) Review and approve or disapprove school plans submitted pursuant to Article 3 (commencing with Section 52850), provided that a decision to approve or disapprove any school plan shall be based solely upon whether the plan complies with this chapter and regulation developed by the State Board of Education pursuant to this chapter.

(b) Adopt rules and regulations necessary to implement the provisions of this chapter.

(c) Rule on requests to waiver provisions of this code or the California Administrative Code pursuant to Section 52820.

52886. The Superintendent of Public Instruction shall:

(a) Assist districts and schools, upon request, to design, implement or evaluate school plans authorized by this chapter.

(b) Apportion funds in accordance with the provisions of Article 3 (commencing with Section 52850).

(c) Conduct program quality and fiscal reviews to:

(1) Ensure that funds allocated pursuant to this chapter are expended for the purposes intended.

(2) Provide information helpful to local schools in improving their programs.

52887. Two or more school districts may join together to apply or join together with one or more county superintendents of schools to apply, to become a consortium for the purposes of conducting the school plan reviews, program reviews, and program assistance required by this chapter.

52888. The Office of the Legislative Analyst, shall in its annual analysis of the Budget Bill, report on the implementation of programs operated pursuant to this chapter, with particular reference to the effect of the provisions of this chapter on services to students intended to be served by the programs identified in Section 52851.

Article 6. Operative Date

52890. This chapter shall become operative on January 1, 1982.

SEC.29. Section 54003.5 is added to the Education Code, to read:

54003.5. (a) Any two or more school districts, each of which receive funding for educational programs pursuant to a consolidated application form prepared by the State Board of Education, may join together or join together with one or more county superintendents of schools to apply to the State Department of Education to become a consortium for conducting program reviews of educational programs utilizing consolidated application funding or for providing program development assistance and reviewing school site plans, or both.

(b) The State Board of Education shall prescribe the form and manner of the consortium application.

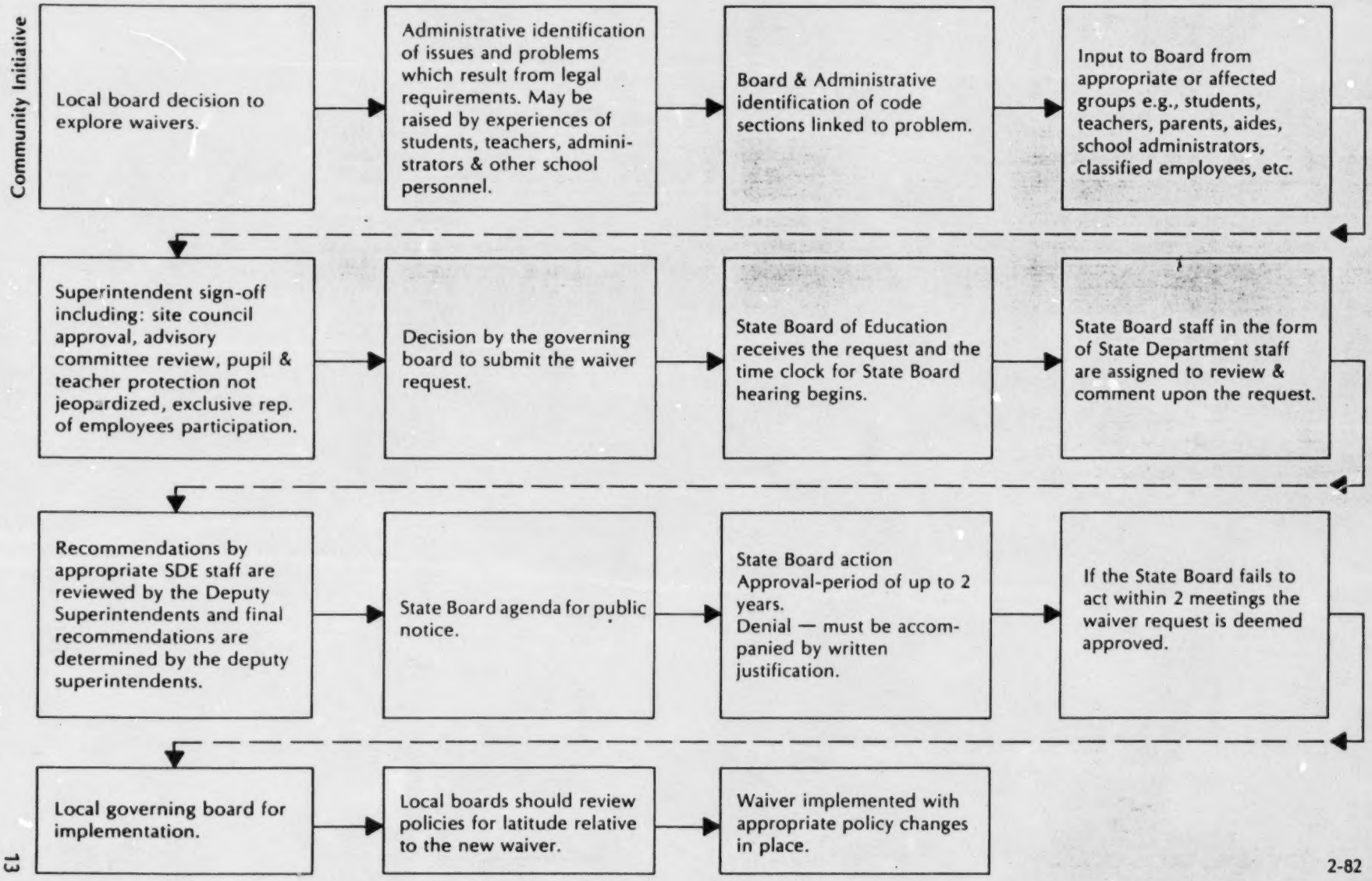
(c) To ensure adequate program and plan review, consistency, or application of compliance and quality criteria, consortia review personnel shall use review instruments and processes and receive training approved by the State Department of Education.

(d) The majority of persons participating in program reviews shall be persons who are not in the employment of the district under review.

SEC.29.3 Section 56723 of the Education Code is amended to read:

56723. For fiscal year 1980-81 the county superintendent shall multiply the unit rates computed pursuant to Section 56722 by 1.09. For fiscal year 1981-82, the unit rates shall be increased by 6 percent. Commencing with fiscal year 1982-83 and each fiscal year thereafter, the unit rates shall be increased by the statewide average percentage inflation adjustment computed for revenue limits of unified school districts with greater than 1,500 units of average daily attendance.

Attachment B ARTICLE II WAIVER PROCESS


Community Initiative
Local board decision to explore waivers.
Administrative identification of issues and problems which result from legal requirements. May be raised by experiences of students, teachers, administrators & other school personnel.
Board & Administrative identification of code sections linked to problem.
Input to Board from appropriate or affected groups e.g., students, teachers, parents, aides, school administrators, classified employees, etc.
Superintendent sign-off including: site council approval, advisory committee review, pupil & teacher protection not jeopardized, exclusive rep. of employees participation.
Decision by the governing board to submit the waiver request.
State Board of Education receives the request and the time clock for State Board hearing begins.
State Board staff in the form of State Department staff are assigned to review & comment upon the request.
Recommendations by appropriate SDE staff are reviewed by the Deputy Superintendents and final recommendations are determined by the deputy superintendents.
State Board agenda for public notice.
State Board action
Approval-period of up to 2 years.
Denial — must be accompanied by written justification.
If the State Board fails to act within 2 meetings the waiver request is deemed approved.
Local governing board for implementation.
Local boards should review policies for latitude relative to the new waiver.
Waiver implemented with appropriate policy changes in place.

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This publication is being mailed to all Board Presidents. Please share it with your fellow board members and other interested persons.

Schedule
Waiver and Coordination Workshops

These workshops are being held by CSBA in cooperation with the following County Offices of Education. Dates, times and locations are also noted, along with registration limits due to space available. For registration information, call the CSBA Board Development Unit at (916)443-4691.

Sacramento — May 4, 1982
Downtown Capitol Plaza Holiday Inn — 9:00 a.m. - 4:30 p.m.
(Registration limit: 200)
Sponsored by CSBA and the Sacramento County Office of Education
$40.00 CSBA members — $80.00 non-members

San Diego — May 12, 1982
San Diego County Schools Office — 9:30 a.m. - 3:00 p.m.
(Registration limit: 200 - does not include lunch)
Sponsored by CSBA and the San Diego County Office of Education
$35.00 CSBA members — $75.00 non-members

Redding — May 21, 1982
Shasta Inn — 9:00 a.m. - 4:30 p.m.
(Registration limit: 200)
Sponsored by CSBA and the Shasta County Office of Education
$40.00 CSBA members — $80.00 non-members

Alameda — May 24
Sunol Valley Golf Club, Sunol — 9:00 a.m. - 4:30 p.m.
(Registration limit: 200)
Sponsored by CSBA and the Alameda County Office of Education
$40.00 CSBA members — $80.00 non-members

Los Angeles — June 2
Griswold's Inn, Claremont — 9:00 a.m. - 4:30 p.m.
(Registration limit: 135)
Sponsored by CSBA and the Los Angeles County Office of Education
$40.00 CSBA members — $80.00 non-members

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